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2 **UNITED STATES DISTRICT COURT**
3 **NORTHERN DISTRICT OF CALIFORNIA**
4 **SAN FRANCISCO DIVISION**

5 ILLUMINA, INC. and
6 ILLUMINA CAMBRIDGE LTD.,

Case No. 3:19-cv-03770-WHO (TSH)
Case No. 3:20-cv-01465-WHO (TSH)

7 Plaintiffs,

VERDICT FORM

8 v.

9 BGI GENOMICS CO., LTD.,
10 BGI AMERICAS CORP.,
11 MGI TECH CO., LTD.,
12 MGI AMERICAS, INC., and
13 COMPLETE GENOMICS INC.,

Defendants.

14 COMPLETE GENOMICS INC.,

15 Counterclaim-Plaintiff,

16 v.

17 ILLUMINA, INC. and ILLUMINA
18 CAMBRIDGE LTD.,

Counterclaim-Defendants.

When answering the following questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

As used herein:

1. “Plaintiff” or “Illumina” refers to Illumina, Inc. and Illumina Cambridge Ltd.
 2. “Defendant” or “Defendants” refers to BGI Genomics Co. Ltd., BGI Americas Corp., MGI Tech Co., Ltd., MGI Americas, Inc., and Complete Genomics, Inc.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this court as our verdict in this case.

FINDINGS ON INFRINGEMENT

(Instruction Pages 17–19)

The questions regarding infringement should be answered regardless of your findings with respect to the validity or invalidity of the patent.

A. U.S. Patent No. 7,541,444 (the “444 Patent”)

1. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the '444 Patent?

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

	Yes (Illumina)	No (Defendants)
a. Claim 3	✓	_____

2. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the '444 Patent?

For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

	Yes (Illumina)	No (Defendants)
a. Claim 3	✓	_____

B. U.S. Patent No. 7,771,973 (the “973 Patent”)

3. Has Illumina proven that it is more likely than not that Defendants induced the infringement of any of the following claims of the '973 Patent?

For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants).

Yes (Illumina)

No (Defendants)

a. Claim 13

✓

4. Has Illumina proven that it is more likely than not that Defendants contributed to the infringement of any of the following claims of the '973 Patent?

For each of the claims below, please check "Yes" (for Illumina) or "No" (for Defendants).

Yes (Illumina)

No (Defendants)

a. Claim 13

✓

1 C. U.S. Patent No. 7,566,537 (the “’537 Patent”)

- 2 5. Has Illumina proven that it is more likely than not that Defendants induced the
3 infringement of any of the following claims of the ’537 Patent?

4 For each asserted claim, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
6 a.	Claim 1	✓	
7 b.	Claim 4	✓	
8 c.	Claim 6	✓	

- 10 11 6. Has Illumina proven that it is more likely than not that Defendants contributed to the
12 infringement of any of the following claims of the ’537 Patent?

13 For each asserted claim, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
15 a.	Claim 1		✓
16 b.	Claim 4		✓
17 c.	Claim 6		✓

1 D. U.S. Patent No. 9,410,200 (the “200 Patent”)

2
3 7. Has Illumina proven that it is more likely than not that Defendants induced the
4 infringement of any of the following claims of the ’200 Patent?

5 For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
8 a.	Claim 11	✓	_____
9 b.	Claim 19	✓	_____

10
11 8. Has Illumina proven that it is more likely than not that Defendants contributed to the
12 infringement of any of the following claims of the ’200 Patent?

13 For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
16 a.	Claim 11	_____	✓
17 b.	Claim 19	_____	✓

1 E. U.S. Patent No. 10,480,025 (the “’025 Patent”)2
3 9. Has Illumina proven that it is more likely than not that Defendants induced the
4 infringement of any of the following claims of the ’025 Patent?

5 For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
8	a. Claim 1	_____	✓
9	b. Claim 9	_____	✓
10	c. Claim 27	_____	✓
11	d. Claim 31	_____	✓
12	e. Claim 33	_____	✓
13	f. Claim 34	_____	✓
14	g. Claim 42	_____	✓
15	h. Claim 47	_____	✓
16	i. Claim 50	_____	✓

19 10. Has Illumina proven that it is more likely than not that Defendants contributed to the
20 infringement of any of the following claims of the ’025 Patent?

21 For each of the claims below, please check “Yes” (for Illumina) or “No” (for Defendants).

		Yes (Illumina)	No (Defendants)
24	a. Claim 1	_____	✓
25	b. Claim 9	_____	✓
26	c. Claim 27	_____	✓
27	d. Claim 31	_____	✓

		Yes (Illumina)	No (Defendants)
1	e.	Claim 33	<input type="checkbox"/>
2	f.	Claim 34	<input checked="" type="checkbox"/>
3	g.	Claim 42	<input checked="" type="checkbox"/>
4	h.	Claim 47	<input checked="" type="checkbox"/>
5	i.	Claim 50	<input checked="" type="checkbox"/>

FINDINGS ON INVALIDITY

(Instruction Pages 21–28)

The questions regarding validity or invalidity should be answered regardless of your findings with respect to the infringement of the patent.

A. The '444 Patent

11. Have Defendants proven by clear and convincing evidence that any of the following claims of the '444 Patent are invalid as obvious?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 3

B. The '973 Patent

12. Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid as obvious?

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants) No (Illumina)

a. Claim 13

1

13. Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid for failure to satisfy the written description requirement?

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

Yes (Defendants) No (Illumina)

a Claim 13

1

14. Have Defendants proven by clear and convincing evidence that any of the following claims of the '973 Patent are invalid for failure to satisfy the enablement requirement?

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

1 Yes (Defendants) No (Illumina)

2 a. Claim 13 _____

3 C. The '537 Patent

- 4 15. Have Defendants proven by clear and convincing evidence that any of the following claims
5 of the '537 Patent are invalid as obvious?

6 For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

7 Yes (Defendants) No (Illumina)

8 a. Claim 1 _____

9 b. Claim 4 _____

10 c. Claim 6 _____

- 11 16. Have Defendants proven by clear and convincing evidence that any of the following claims
12 of the '537 Patent are invalid for failure to satisfy the written description requirement?

13 For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

14 Yes (Defendants) No (Illumina)

15 a. Claim 1 _____

16 b. Claim 4 _____

17 c. Claim 6 _____

- 18 17. Have Defendants proven by clear and convincing evidence that any of the following claims
19 of the '537 Patent are invalid for failure to satisfy the enablement requirement?

20 For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

21 Yes (Defendants) No (Illumina)

22 a. Claim 1 _____

23 b. Claim 4 _____

24 c. Claim 6 _____

D. The '200 Patent

18. Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid as obvious?

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants) No (Illumina)

- a. ✓ Claim 11 ✓

- b. Claim 19 ✓

19. Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid for failure to satisfy the written description requirement?

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants) No (Illumina)

- a. Claim 11 ✓

- b. Claim 19 ✓

20. Have Defendants proven by clear and convincing evidence that any of the following claims of the '200 Patent are invalid for failure to satisfy the enablement requirement?

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants) No (Illumina)

- a. Claim 11 ✓

- b. Claim 19 ✓

E. The '025 Patent

21. Have Defendants proven by clear and convincing evidence that any of the following claims of the '025 Patent are invalid as obvious?

For each asserted claim, please check “Yes” (for Defendants) or “No” (for Illumina).

Yes (Defendants) No (Illumina)

- a. Claim 1 ✓

		Yes (Defendants)	No (Illumina)
1	b.	Claim 9	✓
2	c.	Claim 27	✓
3	d.	Claim 31	✓
4	e.	Claim 33	✓
5	f.	Claim 34	✓
6	g.	Claim 42	✓
7	h.	Claim 47	✓
8	i.	Claim 50	✓

13 22. Have Defendants proven by clear and convincing evidence that any of the following claims
 14 of the '025 Patent are invalid for failure to satisfy the written description requirement?

15 For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

		Yes (Defendants)	No (Illumina)
17	a.	Claim 1	✓
18	b.	Claim 9	✓
19	c.	Claim 27	✓
20	d.	Claim 31	✓
21	e.	Claim 33	✓
22	f.	Claim 34	✓
23	g.	Claim 42	✓
24	h.	Claim 47	✓
25	i.	Claim 50	✓

1 23. Have Defendants proven by clear and convincing evidence that any of the following claims
 2 of the '025 Patent are invalid for failure to satisfy the enablement requirement?
 3

For each asserted claim, please check "Yes" (for Defendants) or "No" (for Illumina).

		Yes (Defendants)	No (Illumina)
5	a. Claim 1	_____	✓
6	b. Claim 9	_____	✓
7	c. Claim 27	_____	✓
8	d. Claim 31	_____	✓
9	e. Claim 33	_____	✓
10	f. Claim 34	_____	✓
11	g. Claim 42	_____	✓
12	h. Claim 47	_____	✓
13	i. Claim 50	_____	✓
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FINDINGS ON DAMAGES

Directions: If you answered "No" as to invalidity for at least one of the asserted claims, please answer questions 24 and 25 below. Otherwise, skip to the last page and sign the verdict form.

Damages (Instruction Pages 29–36)

24. What sum of money, if any, would fairly and reasonably compensate Illumina for Defendants' infringement from early 2014 through June 2020?

Answer in dollars.

\$ 8,000,000. —

Willful Infringement (Instruction Page 20)

25. Has Illumina proven that it is more likely than not that Defendants' infringement was willful?

“Yes” is a finding that Defendants have willfully infringed. “No” is a finding that Defendants has not willfully infringed.

Yes No

1 You have now reached the end of the verdict form and should review it to ensure it accurately reflects
2 your unanimous determinations. The Presiding Juror should then sign and date the verdict form in the
3 spaces below and notify the Courtroom Deputy that you have reached a verdict. The Presiding Juror
should retain possession of the verdict form and bring it when the jury is brought back into the
courtroom.

4 Date: 11/30/2021

5 By: Lee-Wen Chang
6 Presiding Juror